U.S. Application Serial No. 09/903,838, filed July 11, 2001.

REMARKS

Claims 1-8, 10-23, 25-38, and 41-45 are pending.

In the present Office Action, claims 1-8, 10-23, 25-38, and 41-45 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,822,957 (hereinafter "Schuster"), in view of U.S. Patent No. 6,577642 (hereinafter "Fijolek"). However, Applicant has carefully reviewed the references and believes each of the pending claims cite features which are neither disclosed nor suggested by the cited art. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

Currently pending claim 1 recites a method for configuring an IP telephone which includes:

"receiving an identifier from the IP telephone;
determining if a MAC ID for the IP telephone is valid;
if the MAC ID is determined to be valid, determining if the identifier is valid; and
if the identifier is valid, assigning a range of port numbers to the IP telephone
based on the identifier, wherein the IP telephone is operable to use at least
a subset of the range of port numbers to send or receive IP
communications."

In the first Office Action dated August 8, 2005, the Examiner admitted that Schuster nowhere teaches or suggests "determining if a MAC ID for the IP telephone is valid; if the MAC ID is determined to be valid, determining if the identifier is valid". The Examiner then suggested that Fijolek discloses such features and sought to combine Schuster and Fijolek. In the present Office Action, the Examiner responds to the Applicant's arguments with citations to various portions of Fijolek as disclosing the above features. Applicant's previous comments are not reproduced here, but are incorporated by reference. Applicant has carefully considered every citation, the remainder of the cited references, and the Examiner's comments, and believes at least the

above features are not disclosed by the cited art as suggested. In the following discussion, the Applicant will address each of the six portions of Fijolek cited by the Examiner.

Citation 1: FIG. 9B, element 208

Comment Regarding Citation 1:

FIG. 9B generally depicts a flowchart including an element 208 which makes reference to a MAC Address. The associated description is as follows:

> "CMTS 12 updates an Address Resolution Protocol ("ARP") table and other routing tables on the CMTS 12 to reflect the addresses in the DHCP 66 yiaddr-field 126 and the DHCP 66 chaddr-field 132 at Step 208. As is known in the art, ARP allows a gateway such as the CMTS 12, to forward any datagrams from a data network such as data network 28 it receives for hosts such as the CM 16. For more information on ARP see, RFC-826, incorporated herein by reference." (Fijolek, col. 21, lines 3-11).

As seen from the above, this disclosure of Fijolek merely describes updating an Address Resolution Protocol (ARP) table and other routing tables with the addresses from the yiaddr-field [your ip address, the address assigned to the client] and chaddr-field (the client hardware address). Applicant submits at least the features "determining if a MAC ID for the IP telephone is valid" are not disclosed herein.

Citation 2: Column 14, lines 11-24, and Table 4 CHADDR.

Comment Regarding Citation 2

The cited disclosure of Fijolek is reproduced below.

> "DHCP 66 message structure 108 includes an operation code field 110 ("op"), a hardware address type field 112 ("htype"), a hardware address length field 114 ("hlen"), a number of hops field 116 ("hops"), a transaction identifier field 118 ("xid"), a seconds elapsed time field 120 ("secs"), a flags field 122 ("flags"), a client IP address field 124 ("ciaddr"), a your IP address field 126 ("yiaddr"), a server IP address field 128 ("siaddr"), a gateway/relay agent IP address field 130 ("giaddr"), a client hardware address field 132 (chaddr)." (Fijolek, col. 14, lines 11-24).

This disclosure of Fijolek, and the CHADDR filed of Table 4, merely describes the existence of the chaddr field. Applicant submits at least the features "determining if a MAC ID for the IP telephone is valid" are not disclosed herein.

Citation 3: Column 16, lines 43-52

Comment Regarding Citation 3

The cited disclosure of Fijolek is reproduced below.

> "In a typical DHCP 66 discovery process, the DHCP 66 giaddr-field 130 is set to zero. However, in one preferred embodiment of the present invention, the DHCP 66 giaddr-field 130 contains the IP address 80 of the CMTS 12. If the DHCP 66 giaddr-field 130 is zero, the DHCP 66 client is on the same subnet as the DHCP 66 server, and the DHCP 66 server sends any return messages to either the DHCP 66 client's network address, if that address was supplied in the DHCP 66 ciaddr-field 124 (FIG. 5), or to a client's hardware address (e.g., MAC address 44) specified in the DHCP 66 chaddr-field 132 (FIG. 5) or to a local subnet broadcast address (e.g., 255.255.255.255). If the DHCP 66 giaddr-field 130 is non-zero, a relay agent is being used (e.g., the CMTS 12)." (emphasis added).

This disclosure of Fijolek merely states that the server may send a return message to a client's MAC address if it was included in the chaddr-field. However, there is no disclosure or suggestion of "determining if a MAC ID for the IP telephone is valid" included therein.

Citation 4: Table 9

Comment Regarding Citation 4

Table 9 merely depicts the contents of an ACK message may include a client MAC address. However, as may be appreciated, a MAC address may be included in an ACK message without any type of validation being performed on the MAC address. Accordingly, at least the features "determining if a MAC ID for the IP telephone is valid" are neither disclosed, suggested, nor inherent in the above disclosure.

Citation 5: Column 20, lines 66-67

Comment Regarding Citation 5

This disclosure of Fijolek merely describes a chaddr field may include a client MAC address.

Citation 6: Column 21, lines 12-30.

Comment Regarding Citation 6

This disclosure of Fijolek merely describes the CMTS may store IP/NPA address pairs in an ARP table. Further, the CMTS may forward messages using the NPA (e.g., a MAC address). However, as in the above citations, this does not disclose or suggest at least the features "determining if a MAC ID for the IP telephone is valid".

In addition to the above particular portions of Fijolek cited in the Office Action, the Applicant has reviewed the entire Fijolek reference, and all of the cited art, and submits at least the features "determining if a MAC ID for the IP telephone is valid" are not disclosed. Further, such features are clearly not inherent as a system may easily convey messages without performing MAC ID validation. Accordingly, Applicant submits a prima facie case of obviousness has not been established for claim 1 and claim 1 is patentably distinguishable from the combined cited art. As each of independent claims 16 and 31 include similar features, each of these claims are believed patentably distinct for similar reasons. Finally, Applicant's prior comments regarding lack of proper motivation to combine the references are also incorporated herein by reference.

In view of the above, Applicant submits that all claims are patentably distinguishable from the cited art. However, should the examiner believe otherwise, the below signed representative would appreciate and requests a telephone interview (512) 853-8866 in order to facilitate a resolution.

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Applicant submitted a Notice of Change of Address with the Amendment dated November 8, 2005. However, it is noted that the current Office Action contains the prior address. For the Examiner's convenience, a copy of the previously submitted Notice of Change of Address is included herewith. Applicant requests that the address be changed.
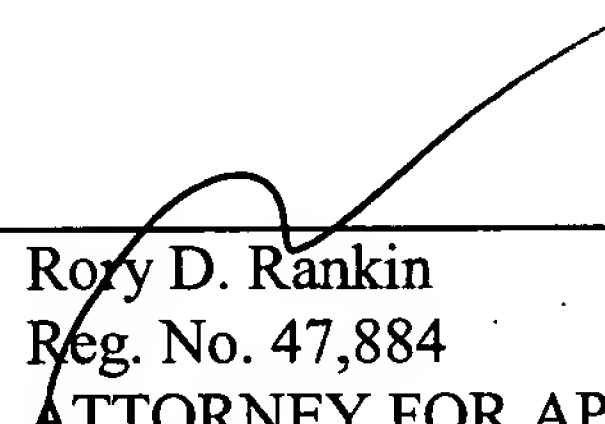
CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5686-00300/RDR.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☒ Copy of previously submitted Notice of Change of Address

Respectfully submitted,

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